



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/825,585	04/01/97	YOSHIDA	35.C10516-CU

005514 LM02/1112
FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK NY 10112

EXAMINER
ENG, G

ART UNIT	PAPER NUMBER
2743	

DATE MAILED: 11/12/99 *28*

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/825,585

Applicant(s)

Yoshida

Examiner

George Eng

Group Art Unit

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☒ Responsive to communication(s) filed on Sep 15, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-24 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-24 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Response to Amendment

1. This Office action is in response to the amendment filed 9/15/1999 (paper no. 27).

Claim Rejections - 35 U.S.C. § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno (US PAT. 5,661,568) in view of Fite, Jr. et al. US PAT. 5,517,324 hereinafter Fite).

Regarding claim 1, Ueno teaches a data communication apparatus for executing plural kinds of communication protocols as shown in figure 1 comprising a first data modem (107), a second data modem (109), a first protocol modem (106), a network controller (110) comprising a detection circuit for detecting a call signal (col. 4 lines 51-57), a memory 105 for storing communication information (col. 5 lines 6-17), means for reading the communication information in order to select one of the first and second communications protocols (col. 5 lines 45-57). Ueno differs from the claimed invention in not specifically teaching two protocol modems. However,

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Ueno teaches to reduce a total communication time by transmitting protocol signal in a low speed modem and data signal in a high speed modem (abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the modem 108 as a protocol modem for a data modem 109 because of reducing the communication time. Furthermore, Ueno differs from the claimed invention in not specifically teaching to select a communication protocol based on ID information identifying a communication apparatus at a calling station. However, Fite teaches such (col. 13 lines 42-60). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ueno to select a communication protocol based on ID information identifying a communication apparatus at a calling station, as per teaching of Fite, because it increases the compatibility of a fax machine with other fax machines and protocols.

Regarding claims 2-3, Fite discloses the apparatus further providing means for registering the ID information of the communication apparatus at a calling station including telephone number information in accordance with the executed communication protocol (col. 5 lines 10-13 and col. 11 lines 11-55).

Regarding claim 4, Ueno teaches a data communication apparatus is capable of changing with different type of modems (figure 1 and col. 5 line 18 through col. 9 line 22).

Regarding claim 5, Ueno differs from the claimed invention in not using V.8 and V.35 in a communication apparatus, the particular of protocol used is merely a matter of design option such that V.34 is the international standard for dial up modems of up to 28,800 bits per second and V.8

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is a way V.34 modems negotiate connection features and option. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ueno using V.8 and V.35 in the communication apparatus because of compatibility so that it can be widely used to communicate with other apparatus in particular protocols.

Regarding claim 6, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claims 7-8, the limitations of the claims are rejected as the same reasons set forth in claim 2-3.

Regarding claim 9, the limitations of the claim are rejected as the same reasons set forth in claim 4.

Regarding claim 10, the limitations of the claim are rejected as the same reasons set forth in claim 5.

Regarding claim 11, Ueno discloses a communication apparatus having a plurality of modems comprising detection means (col. 4 lines 51-57), receiving means (col. 5 lines 6-17), selection means and communication means (col. 5 lines 43-57). Ueno differs from the claimed invention in not specifically teaching the receiving means for receiving ID information for identifying a communication apparatus at a calling station. However, Fite teaches such (col. 13 lines 42-60). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ueno to select a communication protocol based on ID

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information identifying a communication apparatus at a calling station, as per teaching of Fite, because it increases the compatibility of a fax machine with other fax machines and protocols.

Regarding claims 12-16, Fite discloses to select at least one communication protocol on the basis of the received ID information in order to update the communication protocols stored in the memory for processing (col. 13 line 35 through col. 14 line 35).

Regarding claim 17, Fite discloses the ID information includes telephone numbers of the communication apparatus at the calling station (col. 5 lines 10-13).

Regarding claim 18, the limitations of the claim are rejected as the same reasons set forth in claim 11.

Regarding claims 19-23, the limitations of the claims are rejected as the same reasons set forth in claim 12-16.

Regarding claim 24, the limitations of the claim are rejected as the same reasons set forth in claim 17.

Response to Arguments

4. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wada et al. (US PAT. 5,442,686) discloses a communication apparatus including a detection device for detecting an identification number for identifying a communication apparatus at a calling station (abstract).

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 305-9508 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is (703) 308-9555. The examiner can normally be reached on Tuesday to Friday from 7 AM to 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

GEORGE ENG

November 2, 1999


CURTIS A. KUNTZ
SUPERVISORY PATENT EXAMINER
GROUP 2700